

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
: FREDERICK J. KEITEL, III et al., :
:
: Plaintiffs, : 21-CV-8537 (JMF)
:
: -v- : ORDER
:
:
: THOMAS B. D'AGOSTINO, SR. et al., :
:
: Defendants. :
:
----- X

JESSE M. FURMAN, United States District Judge:

On January 6, 2023, Plaintiffs filed two motions for extensions of time relating to their appeal. *See* ECF Nos. 102, 103. Those motions are DENIED on the ground that any request for an extension of deadlines relating to the pending appeal must be made to the Court of Appeals, not to this Court.¹ That is, they are DENIED without prejudice to filing in the Second Circuit. Plaintiffs shall direct any further filings with respect to their appeal to the Second Circuit.

Additionally, the Court notes that Plaintiff Frederick J. Keitel's January 6, 2023 deadline to show cause why sanctions should not be imposed has now passed. *See* ECF Nos. 95, 97. Mr. Keitel failed to make any submission by the deadline and will not be permitted to do so now. Notwithstanding Mr. Keitel's failure to show cause, Defendants are granted until **January 16, 2023**, to address whether sanctions should be imposed on Mr. Keitel and, if so, what form those sanctions should take. *See* ECF No. 97.

The Clerk of Court is directed to terminate ECF Nos. 96, 102, and 103.

SO ORDERED.

Dated: January 9, 2023
New York, New York



JESSE M. FURMAN
United States District Judge

¹ The Court acknowledges that it previously granted a similar application, *see* ECF No. 101 — in the mistaken belief that the application was for an extension of time to file a notice of appeal, not for an extension of time to file documents in connection with the appeal. That is, the Court overlooked that Plaintiffs had previously filed a notice of appeal (albeit one that the Clerk of Court has marked as deficient). *See* ECF No. 99. The Court leaves it to the Second Circuit to decide what effect, if any, the Court's prior Order should have.